

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08

Date: 14 April 2009

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public Document

Decision on the "Demande d'extension du Nombre de pages" filed by the Defence

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Nkwebe Liriss
Karim A.A. Khan
Aimé Kilolo-Musamba
Pierre Legros

Legal Representatives of the Victims

Marie Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber II (“the Chamber”) of the International Criminal Court with respect to the situation in the Central African Republic and the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, except for all victims’ issues,¹ is seized with the “Demande d’extension du Nombre de pages” (the “Defence’s Request”) filed by the Defence of Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”) on 9 April 2009.²

1. On 3 March 2009 Pre-Trial Chamber III issued the “Decision Adjourning the Hearing pursuant to Article 67(1)(c)(ii) of the Rome Statute” (the “Decision on Adjournment”) in which it requested the Prosecutor to “consider submitting (...) no later than 30 March 2009 an amended document containing the charges addressing article 28 of the Statute as [a] possible mode of criminal liability (...)”.³ Pursuant to the same decision, the Defence was granted until 24 April 2009 to respond to the Prosecutor’s new amended document containing the charges, and the Legal Representatives of Victims were granted until 9 April 2009 to submit written observations.⁴

2. On 19 March 2009 the Presidency issued the “Decision on the constitution of Pre-Trial Chambers and on the assignment of the Central African Republic situation”, in which it was decided to dissolve Pre-Trial Chamber III and to assign the situation in the Central African Republic to Pre-Trial Chamber II.⁵

3. On 23 March 2009 the Chamber was seized with the “Prosecution’s Request for Extension of Page Limit for the Third Amended Document Containing the Charges”,

¹ Pre-Trial Chamber II, “Decision Designating Single Judges”, ICC-01/05-24; ICC-01/05-01/08-393, para. 4.

² ICC-01/05-01/08-402.

³ ICC-01/05-01/08-388, p. 19.

⁴ *Id.*

⁵ Presidency, ICC-01/05-22; ICC-01/05-01/08-390.

in which the Prosecutor requested an extension from 20 to 45 pages for the presentation of his document.⁶

4. On 24 March 2009 the Single Judge granted the requested extension,⁷ and on 30 March 2009 the Prosecutor filed the “Prosecution’s Submission of Amended Document Containing the Charges, Amended List of Evidence and Amended In-Depth Analysis Chart of Incriminatory Evidence” (the “Amended Document Containing the Charges”).⁸

5. On 9 April 2009 the Legal Representatives of Victims submitted their written observations.⁹

6. On the same day the Defence of Mr Jean-Pierre Bemba filed the Defence’s Request,¹⁰ in which it seeks an extension of page limit (40 pages)¹¹ for the submission of its observations concerning the Amended Document Containing the Charges on the ground that it has to respond to the Prosecutor’s arguments,¹² as well as to the Legal Representatives of Victims’ observations.¹³

7. The Single Judge notes regulation 37(2) of the Regulations of the Court according to which “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”.

8. The Single Judge is persuaded by the Defence’s submission that granting an extension of page limit will enable it to present clear and complete observations on

⁶ ICC-01/05-01/08-392.

⁷ Pre-Trial Chamber II, “Decision on the ‘Prosecution’s Request for Extension of Page Limit for the Third Amended Document Containing the Charges’”, ICC-01/05-01/08-394, p. 4.

⁸ ICC-01/05-01/08-395.

⁹ “Observation conjointes des Représentants légaux des victimes sur le Document amendé contenant les charges déposé le 30 mars 2009”, ICC-01/05-01/08-400.

¹⁰ *Supra* note 2.

¹¹ ICC-01/05-01/08-402, paras 1 and 17.

¹² *Id.*, para 14.

¹³ *Id.*, para 16.

Mr Jean-Pierre Bemba's alleged criminal responsibility under article 28 of the Statute as another possible mode of criminal liability. However, the Single Judge notes that in accordance with the Decision on Adjournment the Prosecutor has not submitted new evidence.¹⁴

9. Therefore, in spite of the 40 pages requested,¹⁵ the Single Judge considers that granting the Defence an extension of 25 pages is sufficient to present clear and complete observations on the Amended Document Containing the Charges and to respond to the Legal Representatives of Victims' observations, and is consistent with the extension of page limit that was previously granted to the Prosecutor.¹⁶

10. The Single Judge thus considers that the above reasons reveal the existence of exceptional circumstances which justify granting partially the Defence's Request.

FOR THESE REASONS, THE SINGLE JUDGE

Grants the Defence an extension of 25 pages, thus allowing it to present a 55 page document in order to respond to the Amended Document Containing the Charges and to the written observations presented by the victims' legal representatives.

¹⁴ ICC-01/05-01/08-388, para 48.

¹⁵ ICC-01/05-01/08-402, para. 17.

¹⁶ Supra note 7, p. 4.

Done in both English and French, the English version being authoritative.



Judge Ekaterina Trendafilova
Single Judge

Dated this 14 April 2009

At The Hague, The Netherlands